

California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:)	
)	
Inland Empire Utilities Agency)	Complaint No. 01-113
9400 Cherry Avenue, Building A)	for
Fontana, California 92335)	Mandatory Penalties

YOU ARE HEREBY GIVEN NOTICE THAT:

1. Inland Empire Utilities Agency (IEUA) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board (Board), Santa Ana Region, must impose mandatory penalties pursuant to California Water Code (Water Code) Section 13385 (h) and (i).
2. A hearing concerning this complaint will be held before the Board within 60 days of the date of issuance of this complaint, unless IEUA waives its right to a hearing. Waiver procedures are specified on Page 2 of this complaint. If the hearing in this matter is not waived, the hearing will be held during the Board's regular meeting on December 7, 2001 at the Council Chambers of the City of Loma Linda, 25541 Barton Road, Loma Linda, California. IEUA or its representatives will have an opportunity to appear and be heard and to contest the allegations in this complaint and the imposition of mandatory penalties by the Board. An agenda and announcement for the meeting will be mailed to you not less than 10 days prior to the hearing date.
3. If the December 7, 2001 hearing is held, the Board will consider whether to affirm, reject or modify the proposed mandatory penalties or whether to refer this matter to the Attorney General for recovery of judicial civil liability.
4. This complaint is based on the following facts:
 - a. On July 7, 1995, the Board adopted Waste Discharge Requirements Order No. 95-48 (NPDES No. CA0105287), for IEUA. On January 19, 2001, Order No. 01-5 was adopted by the Board to replace Order No. 95-48. These requirements regulate discharges of waste from IEUA's Regional Plant No. 2 (RP-2).
 - b. IEUA submitted self-monitoring reports (January 2000 – June 2001) from RP-2, which show effluent limit violations of total coliform (TC) density and chlorine residual. These violations are summarized on Attachment "A" which is Page 4 of this complaint.

5. Water Code Section 13385 (h) and (i) requires the Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious and/or chronic violation.
6. As shown in Attachment "A", IEUA's RP-2 incurred a total of six violations between January 2000 and June 2001. For the eighteen month period covered by Complaint No. 01-113, two non-serious violations, that occurred during February 2001, are not subject to penalty assessments.
7. Four violations out of the total of six violations are subject to mandatory minimum penalties of \$3,000 for each violation. In accordance with Water Code Section 13385 (h) and (i), the mandatory minimum penalties for the four effluent limit violations cited in Attachment "A" are \$12,000.
8. In accordance with Water Code Section 13385(c), the Board may impose administrative civil liability for the six violations cited in Attachment "A". The maximum administrative civil liability which may be imposed for these violations is \$60,000.
9. The Executive Officer proposes that mandatory penalties of \$12,000 be imposed on IEUA by the Board for the violations cited above.
10. You may waive your right to a hearing. If you waive your right to a hearing, please sign the attached waiver, which is Page 5 of this complaint, and return it together with a check payable to the State Water Resources Control Board in the amount of the mandatory penalties proposed in paragraph 9, above. Send the check and waiver to:

Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3339

If you have any questions regarding this complaint, please contact the undersigned, at (909) 782-3284, or Gary D. Stewart, Surveillance and Enforcement Section Chief at (909) 782-4379, or the Board's staff counsel, Jorge Leon, at (916) 341-5180.

Date

Gerard J. Thibeault
Executive Officer

ATTACHMENT "A"

MONTH/YEAR	TC 7-DAY MEDIAN VIOALTIONS	CHLORINE RESIDUAL VIOLATIONS > 0.1 mg/L FOR MORE THAN 5 MINUTES	NUMBER OF VIOLATION	NUMBER OF VIOLATIONS SUBJECT TO MANDATORY PENALTIES
January 2000				
February 2000				
March 2000				
April 2000				
May 2000				
June 2000				
July 2000				
August 2000		(1)*	1	1
September 2000				
October 2000				
November 2000				
December 2000				
January 2001				
February 2001	3*		3	1
March 2001	1		1	1
April 2001	1		1	1
May 2001				
June 2001				
TOTAL	5	1	6	4

Notes: (1) = Serious violation as defined under Section 13385 (h).

* = Only 166 days separated the August 28, 2000 chlorine residual violation and the February 10, 2001 7-day median coliform violation.

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WAIVER OF HEARING

IEUA agrees to waive its right to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. 01-113. IEUA has enclosed a check made payable to the State Water Resources Control Board in the amount of \$12,000 in settlement of Complaint No. 01-113. IEUA understands that it is giving up its right to be heard and to argue against allegations made by the Executive Officer in Complaint No. 01-113, and against the imposition of, and amount of, the mandatory penalties.

Date

for IEUA